

# **SOUTH DAKOTA BOARD OF COUNSELOR EXAMINERS**

## **MINUTES**

Board of Directors Meeting

January 26, 2007

Ramkota Inn, Pierre

Present: Steve Blair, Jim Carlon, Grace Mims, Woody Schrenk, Pam Kettering, Dave Johnson, Jim Kinyon, Larry Porter, Terry Dosch, and Joyce Vos

The meeting was called to order at 9:30am and moved into General Session.

Suggested Agenda changes were to add more continuing ed questions as items 4d and e; that persons for items 5a and b will appear at 10:30 and 11 respectively; that Krista Heeren-Graber (#8) cannot attend, and item 9e should be a follow-up on the assessment of the board's and office's performance. M/S/P Schrenk/Kettering to accept the revised Agenda.

M/S/P Mims/Kinyon to move the Board into Executive Session at 9:35am.

M/S/P Kettering/Mims to move the Board into General Session at 10am.

M/S/P Porter/Mims to accept the counter-proposal from the counselor in case #2006-01. Schrenk was recused during the Executive Session discussion and abstained from voting. Dosch was absent for the vote. The vote was three in favor, one against.

The new complaint case, #2006-04, was assigned to Schrenk.

1. The September 25, 2006 Board Minutes were reviewed. Staff indicated she had already corrected the Minutes to include Mims' and Schrenk's abstentions in item 6, but their copies of the Minutes didn't include it. It was noted that the case number 2006-01 needed to be added to the last paragraph on the first page of the Minutes. Mims thought she had also opposed the motion, so Staff was going to check her hand-written notes. M/S/P Kettering/Schrenk to approve the Minutes with these changes.

2. The Board discussed the Attorney General's formal opinion that the LMFT law is a title law not a practice law. Carlon remarked it is a well-reasoned opinion and doesn't surprise him. The ambiguity occurs because the Code Council develops the title of the Act and in this case the title implies the practice without a license is a misdemeanor, but the title is not part of the statute. There was discussion whether we should challenge ourselves with writing a new LMFT practice Bill by 5pm today mirroring the practice Bill HB1056, or risk the demise of HB1056 if we attempt to amend it at the last minute to

include LMFT's. It was noted that LMFT's are exempt from the mandatory license because of exception #1 of the statute so they wouldn't adversely be affected. It was decided to draft a LMFT mandatory practice Bill next year if SDAMFT will take the lead.

3. It was noted that SB49 (MFT rules authority) passed the Senate floor and House committee but will still need help on the House floor. Members were encouraged to contact their House Representatives. It has been deferred four times and could probably be a last day item but to keep on top of it.

The morning's House Committee hearing on HB1056 was unanimously successful thanks to Johnson's testimony and Committee Chair Van Etten's persistence in skillfully drawing out what the clergy can and cannot do within this legislation. Jamie Boomgarden will make the presentation on the House Floor. Members were encouraged to contact their House Representatives. The same "game plan" will be followed when the Bill goes to the Senate side.

Jennifer Freyensee, her attorney Phil Stiles, and Tara Jorgenson were invited to join the meeting at this time.

5a. It was pointed out to Stiles that we were not holding a hearing, and that Freyensee had not been denied a license. There was considerable discussion about Freyensee's documented Wyoming supervision and how it compares to Wyoming and South Dakota's requirements. A motion was made by Porter and seconded by Mims to grant Freyensee a license by Reciprocity based on her Wyoming license although we still need to be aware of supervision that appears to be inconsistent with our standards.

After discussion, Porter made a substitute motion to accept Wyoming's licensing standards as substantially equivalent to South Dakota's requirements for the LPC. Mims affirmed her second to the motion. The vote was 3 in favor and 3 against. President Johnson voted in support of the motion and broke the tie.

Staff was directed to do, or ask Carlon to do a side by side comparison of Wyoming to South Dakota's licensing requirements.

b. The Board reviewed Jorgenson's request for a license by reciprocity from North Dakota. M/S/P Schrenk/Dosch to accept the supervision by M. Haman from November 14, 2005 to present without pre-approval and apply it toward her SD LPC license application.

c. Staff explained the request from Holly Strand and whether her Nebraska supervision is applicable since she presented a Supervisor Affidavit like the SD Plan of Supervision. M/S/P Kinyon/Porter to encourage Strand to make application so Mims can review and bring it to the Board for an exception if necessary. It was suggested she file a SD Plan of Supervision just in case.

4a. There was considerable discussion on the subject of the requirements due to non-renewal and non-compliance. The determination was as follows:

If the licensee does not renew or comply with the CE by December 31 of the odd numbered year and they contact the office to do so between January 1 and June 30 (first 6 months) when they are “expired,” they need to complete all 40 hours of CE and hopefully from the compliance years. Plus they need to pay the \$50 late fee and current license fee.

If the non-compliant licensee contacts the office any time from July 1 and December 31 of the odd numbered year (18 month span) when they are “inactive,” they need 40 hours of CE of which at least 20 hours must be in the immediate past 12 months. (Non-compliant licensees will always need to complete 40 hours like compliant licensees.) Plus they need to pay the applicable late fee(s) and license fee(s) to become current.

b. It was determined that a licensee that is a CE presenter can use the number of hours they present toward compliance if they are issued a certificate documenting those hours, and if they haven’t applied/received the optional 10 hours of CE available to Presenters.

We need to be aware of those presenters that are trainers and repeat their sessions. CE credit can only apply to their first (original) presentation.

c. M/S/P Mims/Dosch to accept Native American Studies for Educators as compliant CE because it could meet the CACREP guidelines for Social/Cultural Foundations.

d. M/S/P Schrenk/Mims to deny the request for CE for the 24<sup>th</sup> Annual Black Hills Neurology Seminar in February.

e. M/S/P Kinyon/Schrenk to approve Karen Baukol’s Individual Licensee Application for Post-Approval for attending Lifeforce Yoga Training for Depression & Anxiety.

6. The definition of Group Supervision was discussed in response to Staff’s concern that it’s possibly misconstrued in some agency settings according to phone conversations and completed tracking forms. Staff had drafted a letter in November 2006 intended to be sent to individuals with Plans on file. She had emailed the draft to Schrenk and Kinyon for their opinion since they work in agency settings. Schrenk suggested waiting for Board discussion. After discussion, it was decided that Schrenk and Staff will redraft a letter that explains group supervision and the realistic use in an agency setting. Porter emphasized that our definition is specifically from AAMFT requirements.

7. Staff, Johnson, Mims, and Schrenk reported the 2007 AASCB conference was the least organized, least productive, and most disappointing one they ever attended.

Staff reported an AASCB sub-committee offered a draft of an AASCB database process for reporting disciplinary action in addition to HIPDB which was intended to be more user-friendly; that the AASCB Executive Board met numerous challenges and issues of discontent in particular from Ohio, Alabama, and NY, and that CACREP was undertaking an emergency preparedness initiative for the 2008 standards which was funded by a multi-year grant from the Dept. of HHS.

Johnson reported on the trauma counselor session he attended. With the unusual number of catastrophes this country has experience in recent years there is the question of whether these counselors are properly trained and practicing ethically.

Schrenk, currently on the AASCB Testing Panel, reported that CRCC (Commission on Rehab Counselor Cert) would like their exam to be legitimized in all States at the same level as the NBCC exams. He said the testing panel was trying to educate the members as to its revenue/funding portion of the AASCB budget. He said it was fascinating how NBCC can breakout the statistics in analyzing the different tests they administer.

Mims suggested we should do a breakout at the 2008 session, and strongly encourages our new board members to attend the January 10-12, 2008 conference.

8. Although Krista Heeren-Graber was unable to visit this meeting due to illness, the Board wanted her invited to the next meeting because the topic of Home Study Guidelines is important.

9a. Staff asked who might help present the Board's session at the SDCA conference on Saturday, April 14 from 10:30-noon. Johnson, Mims, and Porter volunteered.

b. Staff reported she registered to attend the FARB (Federation of Associations of Regulatory Boards) conference in February and will split the cost with her other licensing board. She said the line-up of topics was too pertinent to miss. M/S/P Kettering/Schrenk to approve Staff's travel and attendance.

c. Staff reported the Board now had computerized examinations since the start of 2007. She said she just received the Agreement from NBCC and had some questions for them before agreeing to sign it. The Board was pleased that it was now in place.

d. Staff noted expenditures were right in line with half the year passed, and nearly all the revenue received already. Dosch mentioned being mindful of revenue over budget since the legislative audit committee had hearings with boards and may be looking at sources to tap for funding. Staff mentioned she had to attend one of these hearings for her other licensing board and this board had very little revenue compared to the other boards they were visiting with.

e. Kinyon wondered what had become of the board's self-assessment that was discussed at the retreat last June. Staff said she thought it was her responsibility to find an assessment tool from other licensing boards. She said she'd do a list-serv to other board executives and see if there's anything out there.

Dosch gave a briefing on our proposed legislation. SB49 had been deferred a couple times but probably because of the early dismissal each day due to the Sutton hearing. He will let us know if there is more to it than that. He will try to get HB1056 referred to the Senate HHS committee instead of Commerce.

Schrenk commented that a job analysis survey would be sent to all NCC's (National Certified Counselors) which helps with the test questions so we need to encourage counselors to complete it.

10. The next Board meeting was scheduled for Friday, April 20 in Pierre. Porter mentioned it would be his last meeting as his term will expire.

M/S/P Mims/Schrenk to adjourn the meeting at 2:30pm.

Respectfully submitted,

Joyce M. Vos

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Executive Secretary